



USF System   USF   USFSP   USFSM

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**Subject:** Diversity and Equal Opportunity: Discrimination and Harassment  
**Responsible Office:** Diversity, Inclusion, & Equal Opportunity (DIEO)

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**I. PURPOSE & INTENT**

The University of South Florida System (USF System) is a diverse community that values and expects respect and fair treatment of all people. The USF System strives to provide a work and study environment for faculty, staff and students that is free from discrimination and harassment on the basis of race, color, marital status, sex, religion, national origin, disability, age, or genetic information, as provided by law. The USF System protects its faculty, staff, and students from discrimination and harassment based on sexual orientation, as well as gender identity and expression. The USF System is also committed to the employment and advancement of qualified veterans with disabilities and veterans protected under the Vietnam Era Veterans’ Readjustment Assistance Act, as amended (VEVRAA). As part of the effort to maintain an environment that is comfortable for all people and to ensure consistency with state and federal laws, the USF System establishes this policy.

Discrimination, harassment and retaliation are prohibited within the USF System, and complaints of such conduct are to be filed with one of the two designated offices within the USF System, specifically the Office of Diversity and Equal Opportunity (DEO) or the Office of Student Rights and Responsibilities (OSRR or the appropriate Student Affairs office at the campus or institution where the discrimination/harassment occurred). The designated office will review such complaints and provide appropriate response including counseling, mediation, and/or referral for disciplinary action, up to and including termination from employment and/or expulsion from the USF System. In addition, DEO and OSRR will, as part of their internal processes, report any conduct that may be criminal in nature, such as bias-motivated crimes, to the appropriate law enforcement entities as set forth in section [IV.B.] below.

Additionally, discriminatory conduct in the form of sexual misconduct/sexual harassment is also prohibited. (Please see USF System Policy 0-004, Sexual Misconduct/Sexual Harassment (Including Battery)).

## **II. DEFINITION OF TERMS**

For the purposes of this Policy only, individuals who may be victims or may have reporting responsibilities fall into the following general categories and definitions:

- A.** The term “**employee**” includes, but is not limited to: academic administrators; all faculty; Administration employees; Staff employees; Temporary employees; or any other employee classifications that may be developed by the Florida Board of Governors or the USF Board of Trustees.
- B.** The term “**student**” includes, but is not limited to, any individual who is enrolled in any program of study or enrolled in any course offered or sponsored by the USF System, whether for credit or not, or engaged in any USF System student activity.
- C.** The term “**USF System program invitee**” includes, but is not limited to, applicants for admission, applicants for employment, event attendees, and recipients of USF System services.

## **III. STATEMENT OF POLICY**

### **A. The Following Actions Are Prohibited:**

1. Discrimination and/or harassment by any USF System employee or student against any individual(s) or group(s) within the USF System.
2. Discrimination and/or harassment by any USF System employee or student while assigned to duties or academic programs of the USF System (regardless of their location) against any individual(s) or group(s) that is not an employee or student, including any USF System program invitee(s).

3. Discrimination and/or harassment by any vendor or individual external to the USF System against any USF System employee(s), student(s) or program invitee(s) during the transaction of business with the USF System, during any program or activity coordinated through the USF System, and/or while on USF System premises.
4. Retaliation by any USF System employee or student against any individual(s) or group(s) who, in good faith, has made any allegation of discrimination and/or harassment, or who has testified, assisted, or participated in any way in any investigation, proceeding, or hearing conducted under this policy or any federal or state law.
5. Knowingly making false accusations or allegations of discrimination and/or harassment or retaliation, or knowingly making false statements regarding alleged discrimination and/or harassment or retaliation in any investigation, proceeding, or hearing conducted under this Policy or any federal or state law.

**B. Examples of Prohibited Conduct Include, but Are Not Limited To:**

1. Unwelcome touching, impeding, or blocking movement based on any individual's race, color, marital status, sex, religion, national origin, disability, age, genetic information, sexual orientation, gender identity and expression, or veteran status.
2. Continuing any of the conduct listed in the above examples after being told or being otherwise made aware that the conduct is unwelcome.
3. Singling out or targeting an individual for different or adverse treatment with improper consideration of the individual's race, color, marital status, sex, religion, national origin, disability, age, genetic information, sexual orientation, gender identity and expression, or veteran status.

**C. Conduct Outside the Scope of This Policy**

1. This policy is not intended to abridge academic freedom or the USF System's educational mission.
2. This policy is not violated by actions that amount to expression that is protected by the state or federal constitutions.

**D. Cooperation**

All employees and students are to cooperate fully with any investigation and/or compliance review conducted under this Policy. Failure to do so may result in disciplinary action for just cause, up to and including termination of employment and/or expulsion from the USF System.

#### **IV. FILING COMPLAINTS OR REPORTS**

Depending on the circumstances, the filing of a complaint or report of discrimination or harassment may be voluntary or compulsory. Any person may file (1) an internal USF complaint or report to the designated USF offices (DEO or OSRR); (2) a complaint or report with the appropriate law enforcement agency (determined by the campus/institution, such as the USF Tampa Police Department or USF St. Petersburg Police Department) hereafter “University

Police” or “UP” or other local police department to initiate a criminal investigation; or (3) an external complaint with an agency listed in section [IV.C.] below. In addition, certain persons must file a report as provided below.

##### **A. Internal USF Complaints or Reports to Designated USF Offices**

- 1. Persons who may file.** Any student or employee or USF System program invitee may file a claim or complaint regarding discrimination/harassment. Details regarding the responsibility to report are detailed in subsection [3.] below. It is important to note that the opportunity to file a complaint or the filing of a complaint does not prevent any person from telling the individual whose actions he or she finds offensive that such behavior or conduct must stop and/or that it is unwelcome.
- 2. Entry point for filing.** Where a complaint or report should be filed depends upon whether the alleged wrongdoer is an employee, student, or USF System program invitee. If the status of the alleged wrongdoer is unclear, an individual may file a complaint or report in either of the two designated offices and the University will assist in identifying the best avenue of review. The following two offices are established as points of entry for the filing of complaints and reports:
  - a. Complaints and reports against EMPLOYEES or USF System program invitees.** The complaint/allegations must be submitted to the Office of Diversity and Equal Opportunity. DEO is responsible for investigating discrimination or harassment complaints/allegations against employees or USF System program invitees based on this Policy. A full copy of the procedures used to conduct any investigation is available in DEO, ALN 172; 813-974-4373 or on the [DEO website](#). (These procedures may be changed without affecting any term of this Policy.)
  - b. Complaints and reports against STUDENTS.** The complaint/allegation must be submitted to the Office of Student Rights and Responsibilities or the appropriate Student Affairs office at the campus or institution where the discrimination/harassment occurred for investigation of discrimination or harassment complaints/allegations against students.

Students who are referred to OSRR under the Policy will be subject to review and may be subject to sanctions as provided by the USF Student Conduct Code, USF6.0021. A full copy of the student conduct code, including the process for referrals, review, investigation and sanctions are available on the USF Tampa OSRR website at: <http://www.sa.usf.edu/srr/page.asp?id=69>; or at the OSRR office at 4202 E. Fowler Ave, RAR 234, Tampa, FL 33620-7700; phone contact 813-974-9443; or the Student Affairs office at the System member's campus.

### **3. Responsibility to Report**

#### **a. Who Should report to DEO or OSRR under the USF System's Policy:**

- (1) The person who believes he/she has been a victim of discrimination or harassment (although there is no absolute duty to report and any victim may seek any additional or optional support services including advocacy and counseling outside the DEO or OSRR process); or
- (2) Any student, faculty member, or staff member who has direct or indirect knowledge of the alleged discrimination or harassment with the exception of those persons or offices who offer confidential counseling or victim assistance if the complainant requests privacy, such as Victim's Advocacy.

#### **b. Who Must report to DEO or OSRR under the USF System's Policy:**

- (1) **Supervisory Employees** (with the exception of those persons or offices who offer confidential counseling or victim assistance if the complainant requests privacy, such as Victim's Advocacy) are required to promptly report (either verbally or through written communications) allegations, reports, or instances of discrimination/harassment by or against any USF System employee(s), students(s), or group(s). Failure to do so may result in disciplinary action, up to and including termination of employment. Supervisory employees include any administrative personnel, or any employees who (i) supervise one or more individual employees and may include, but is not limited to: Deans, Directors, Department Chairs, Coordinators, Unit Heads, Managers, and Principal Investigators or (ii) supervise or oversee students, including but not limited to, all members of the faculty; graduate students with instructional responsibilities when they are supervising or teaching the student(s) who is (are) complaining about possible discrimination/harassment; academic advisors; residential assistants; faculty advisors; program advisors and student activity coordinators.

- (2) **The University Police (UP)** are required to promptly report back to DEO or OSRR, as appropriate, a complaint of discrimination/harassment at the time a person directly files a complaint with the UP and at the conclusion of any UP process.

**c. General information**

- (1) **Time for Filing Complaints.** A person who believes he/she has been discriminated against or harassed should report the incident as soon as possible. For those complaints directed to DEO, a formal complaint must be filed within one hundred and twenty (120) days of the incident(s). For those complaints directed at the OSRR, the complaints must be filed as set forth in the Student Conduct Code unless otherwise specified.
- (2) **Appeals from Decisions.** The decisions of the designated offices are final, except the victim or the accused may file an appeal from a decision rendered by DEO or OSRR. The appeal shall be filed in accordance with the designated offices' procedures.
- (3). **Privacy.** The confidentiality and privacy of all parties involved during the investigation process will be maintained to the fullest extent possible. Information will be shared with only those who have a legitimate need to know. Allegations may be filed anonymously through EthicsPoint, the USF System's website/hotline, to confidentially report activities that may involve certain improper conduct or violations of USF System Policies. [http://secure.ethicspoint.com/domain/en/report\\_custom.asp?clientid=14773;1-866-974-U411](http://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=14773;1-866-974-U411).

**B. Complaints or Reports to Law Enforcement Officers**

1. If an individual believes that he/she has been a victim of a bias-motivated crime (otherwise known as a hate-crime), the individual may file a complaint for possible criminal charges with an appropriate law enforcement agency.
2. DEO and OSRR must report any referral or allegation of discriminatory or harassing conduct that is or may be considered a crime to the appropriate law enforcement offices.
3. All persons must comply with mandatory reporting laws established by the state, federal, or local laws.
4. In addition, any person MAY report any criminal activity to law enforcement at any time.

5. If a campus has a UP Department, the UP are law enforcement officers of the State of Florida with authority to enforce criminal laws when violations thereof occur on any property or facilities that are under the guidance, supervision, regulation, or control of USF or a Direct Support Organization of USF. The UP provide immediate assistance to the victim and initiate investigative processes to apprehend the perpetrator of the crime. The UP promptly inform the appropriate State Attorney's Office of bias-motivated crime complaints and may consult with the State Attorney during the investigation of the complaint.

### **C. Additional External Complaints**

Filing an internal charge of discrimination or harassment with the USF System or directly to Law Enforcement does not preclude the filing of complaints with external agencies and does not affect any deadlines that may be imposed by any agency external to the USF System.

The following agencies are available to take such complaints:

1. **U.S. Equal Employment Opportunity Commission**, Tampa, Florida  
(813) 228-2310; TTY (813)228-2003.
2. **U.S. Department of Education, Office of Civil Rights**, Atlanta, Georgia  
(404) 562-6358; TDY (404)562-6454.
3. **U.S. Department of Labor, Office of Federal Contract Compliance Program**, Orlando, Florida (407) 648-6181.
4. **Florida Commission on Human Relations**, Tallahassee, Florida 1(800) 342-8170; TDD ASCII Callers 1(800) 955-1339; TDD Baudot Callers 1(800) 955-8771.

## **V. RECORDS AND STATISTICAL REPORTING**

- A. OSRR will report to DEO harassment complaints that may involve issues of discrimination to enable accurate statistical reporting; review of the information to identify and address any pattern or systematic problems; and the development of ongoing training, educational and preventative programming.
- B. All offices will report final outcomes and complaints to the University Police as required by federal law, specifically, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act"). The University Police are required to annually report to the public statistics concerning crimes which are reported to have occurred on campus, or in Clery-designated geographic locations associated with the University or its activities. There are three general categories of crime statistics that must be reported:

(1) Criminal Offenses, which includes murder, or non-negligent manslaughter, negligent manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson;

(2) Hate Crimes, which includes any of the above-listed crimes, as well as larceny-theft, simple assault, intimidation, and destruction or damage or vandalism of property, when such crime is motivated, in whole or in part, by bias based on race, gender, religion, disability, ethnicity, national origin, sexual orientation, and gender identity.

(3) Arrests and Referrals for Discipline for violation of weapons, drug, and liquor laws.

In addition, the University will comply with the new reporting obligations under the Violence Against Women Act of 2013 (VAWA) which require the University to compile additional statistics regarding domestic violence, dating violence, and stalking in annual security reports. The information may be used to make timely warnings to the community of the occurrence of the above crimes. Further information about University procedures for reporting crimes and incidents under the Clery Act may be found on the following website: <http://usfweb2.usf.edu/Adminsvc/clery/>.

C. Crime statistics are reported to Tallahassee in accordance with State law. Information concerning the incidence of crime is reported to the University community in a regular and timely manner through local and on-campus media. This information is also forwarded to the Federal Bureau of Investigation and included in the national crime report published by the United States Department of Justice.

**\*Current Responsible Office: Diversity, Inclusion, & Equal Opportunity (DIEO)**

**\*Refer to the appropriate Responsible Office website for a current name of the Vice President or other Responsible Officer.**